

THE EFFECTIVE DATE OF THIS ORDINANCE IS DECEMBER 16, 2003

ORDINANCE NO. 03-20-343

ORDINANCE OF
THE BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

Re: Amendment to Human Relations Commission and
Human Relations Department

RECITALS

By State law, Section 2-2-68 of the Frederick County Code, Chapter 224 of the Laws of Maryland 1988, the Board of County Commissioners was given the authority to establish a Human Relations Commission and a Human Relations Department.

By Ordinance No. 89-48-579, dated September 16, 1989, the Board of County Commissioners exercised the authority granted it by Chapter 224 of the Laws of Maryland 1988 and established a Human Relations Commission and a Human Relations Department. Article VII, Human Relations Commission, Section 1-2-91, Establishment; Section 1-2-92. Human Relations Department; Section 1-2-93, Discriminatory Practices Contrary to Public Policy; and Section 1-2-94, Powers and Responsibilities of Human Relations Commission.

In Chapter 293 of the Laws of Maryland 2003, the Legislature authorized the Board of County Commissioners to enact by ordinance additional means and remedies to enforce the Human Relations ordinance.

In accordance with the powers granted to it by the General Assembly in Chapter 224 of the Laws of Maryland 1988 and in Chapter 293 of the Laws of Maryland 2003, Section 1-2-95 is hereby added.

The Board of County Commissioners held a duly advertised public hearing on this Ordinance on December 16, 2003, at which time the public had an opportunity to comment.

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND that Section 1-2-95 be added to the Frederick County Code to read as follows:

SECTION 1-2-95. REMEDIAL RELIEF.

(A) (1) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (2), (3), AND (4) OF THIS PARAGRAPH, THE BOARD OF COUNTY COMMISSIONERS BY THIS ORDINANCE AUTHORIZES THE HUMAN RELATIONS COMMISSION TO PROVIDE REMEDIAL RELIEF, INCLUDING EQUITABLE RELIEF AND MONETARY DAMAGES.

(2) THE HUMAN RELATIONS COMMISSION IS NOT AUTHORIZED BY THIS ORDINANCE TO:

- (I) AWARD ATTORNEY'S FEES;
- (II) ASSESS PENALTIES OR FINES;
- (III) CREATE A PRIVATE CAUSE OF ACTION; OR

(IV) AWARD DAMAGES FOR HUMILIATION OR PAIN AND SUFFERING.

(3) IN EMPLOYMENT CASES, THE HUMAN RELATIONS COMMISSION HAS POWERS OR JURISDICTION OVER ONLY EMPLOYERS WITH 15 OR MORE EMPLOYEES.

(4) IN PUBLIC ACCOMMODATIONS CASES AND HOUSING CASES, THE HUMAN RELATIONS COMMISSION SHALL NOT HAVE POWERS OR JURISDICTION IN EXCESS OF OR IN CONFLICT WITH THE POWERS AND JURISDICTION DESCRIBED IN ARTICLE 49B OF THE CODE.

(B) SUBPOENAS, DECISIONS, AND ORDERS OF THE HUMAN RELATIONS COMMISSION MAY BE ENFORCED IN THE CIRCUIT COURT FOR FREDERICK COUNTY.

(C) THE HUMAN RELATIONS DEPARTMENT OR OTHER PARTY MAY APPEAL A DECISION OR ORDER OF THE HUMAN RELATIONS COMMISSION TO THE CIRCUIT COURT FOR FREDERICK COUNTY IN ACCORDANCE WITH TITLE 7, CHAPTER 200 OF THE MARYLAND RULES.

(D) THE HUMAN RELATIONS COMMISSION MAY BE A PARTY TO AN APPEAL MADE TO THE CIRCUIT COURT FOR FREDERICK COUNTY.

(E) IN EMPLOYMENT CASES, AN AWARD OF MONETARY DAMAGES:

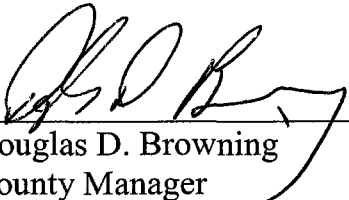
(1) MAY NOT EXCEED A 36-MONTH PERIOD; AND

(2) SHALL BE REDUCED BY ANY EARNINGS RECEIVED DURING THAT PERIOD OR ANY AMOUNTS EARNABLE DURING THAT PERIOD WITH REASONABLE DILIGENCE BY THE EMPLOYEE DISCRIMINATED AGAINST.

(F) IN PUBLIC ACCOMMODATIONS CASES AND HOUSING CASES, AN AWARD OF RELIEF IS RESTRICTED TO ACTUAL MONETARY DAMAGES AND EQUITABLE RELIEF.


The undersigned hereby certify that this Ordinance was approved and adopted on this 16th day of December, 2003.

ATTEST:



Douglas D. Browning
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

 (SEAL)

John L. Thompson Jr.
President

LBT